

Public Document Pack

Date of meeting Thursday, 26th September, 2013
Time 10.00 am
Venue Committee Room 1, Civic Offices, Merrial Street,
Newcastle-under-Lyme, Staffordshire, ST5 2AG
Contact Jan Barron ext 2224

Licensing Sub-Committee

AGENDA

PART 1 – OPEN AGENDA

- 1 Appendix A - Natural Justice Guidance Notes (Pages 1 - 2)
- 2 Appendix B Human Rights Guidance Notes (Pages 3 - 4)
- 3 Appendix C Procedure to be followed by the Sub-Committee (Pages 5 - 6)
- 4 Application For the Review of a Premise Licence - London Road Tavern. London Road, Newcastle (Pages 7 - 8)
- 5 Background Information - London Road Tavern. London Road, Newcastle (Pages 9 - 32)

Members: Councillors

Members of the Council: If you identify any personal training/development requirements from any of the items included in this agenda or through issues raised during the meeting, please bring them to the attention of the Democratic Services Officer at the close of the meeting.

Meeting Quorums :- 16+= 5 Members; 10-15=4 Members; 5-9=3 Members; 5 or less = 2 Members.

Officers will be in attendance prior to the meeting for informal discussions on agenda items.

This page is intentionally left blank

GUIDANCE NOTES

NATURAL JUSTICE AND FAIRNESS

These are the principles used in the determination of just or fair processes and stem from the common law legal system.

According to Roman law, certain basic legal principles were so obvious that they should be applied universally without the need to be enacted into the law.

The rules of natural justice are now regularly applied by courts in both common law and civil law jurisdictions.

Natural justice operates on the principles that man is basically good, that a person of good intent should not be harmed and one should treat others as they would like to be treated.

Natural justice includes the notion of procedural fairness and may incorporate the following guidelines:-

- A person accused of a crime, or at risk of some form of loss, should be given adequate notice about the proceedings (including any charges);
- A person making a decision should declare any personal interest they may have in the proceedings;
- A person who makes a decision should be unbiased and act in good faith. He therefore cannot be one of the parties in the case, or have an interest in the outcome. This is expressed in the Latin maxim, *nemo iudex in causa sua*: “no man is permitted to be judge in his own cause”;
- Proceedings should be conducted so they are fair to all the parties – expressed in the Latin maxim, *audi alteram* : “let the other side be heard”;
- Each party to a proceeding is entitled to ask questions and contradict the evidence of the opposing party;
- A decision-maker should take into account relevant considerations and extenuating circumstances, and ignore irrelevant considerations;
- Justice should be seen to be done. If the community is satisfied that justice has been done they will continue to place their faith in the courts.

Where a person’s legal rights are concerned, the principles of natural justice are bolstered by Article 6 of the European Convention on Human Rights which is now incorporated into domestic law.

THE RULE AGAINST BIAS

It is elementary to the rules of natural justice that the deciding body is to be free from bias.

The rule is that the body must be and be seen to be impartial, independent and disinterested.

There are two broad categories of bias:

- (a) Actual Bias: when the decision-maker has an economic interest in the outcome of the case (also known as a material or pecuniary interest) subject to the De Minimum doctrine;
- (b) Reasonable Apprehension: unbiased appearance is an essential part of procedural fairness. The test is whether, having regard to the circumstances, a well informed person (“reasonably informed bystander”) would consider that the interest might have an influence on the exercise of the decision-maker’s duties.

GUIDANCE NOTES

HUMAN RIGHTS ACT 1998

In considering allegations against Members you should have regard to the provisions of the Human Rights Act 1998 which embody the rules of natural justice.

Rights and Freedoms to be considered when determining matters

ARTICLE 6: RIGHT TO A FAIR TRIAL

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly, but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.
2. Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.
3. Everyone charged with a criminal offence has the following minimum rights:
 - (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him;
 - (b) to have adequate time and facilities for the preparation of his defence;
 - (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means, to pay for legal assistance, to be given it free when the interests of justice so require;
 - (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;
 - (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

ARTICLE 8: RIGHT TO RESPECT FOR PRIVATE AND FAMILY LIFE

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

ARTICLE 10: FREEDOM OF EXPRESSION

1. Everyone has the right to freedom of expression. These rights shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.

2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

ARTICLE 14: PROHIBITION OF DISCRIMINATION

The enjoyment of the rights and freedoms set fourth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

NB This is not a substantive right, but comes into play if other rights are likely to have been infringed. The prohibition is wide, but not exhaustive

ARTICLE 1: OF THE FIRST PROTOCOL PROTECTION OF PROPERTY

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties.

NB Possessions, in this context, includes the right to apply for a licence, the right to hold and retain a licence and the goodwill of a business.

NOTE In this context it is also particularly important for members to observe the rule against bias.

PROCEDURE FOR REVIEW TO BE FOLLOWED BY THE LICENSING SUB-COMMITTEE AT A REVIEW HEARING

NOTE:

All hearings will normally be held in public. However, the Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing or that part of the hearing taking place in public. A party or that party's representatives may be treated as a member of the public and therefore excluded from the meeting for all or part of the hearing, and all parties have the right to be represented and to call witnesses.

The Clerk to the Committee will have the right to ask questions on behalf of the Committee of any party to the proceedings.

PROCEDURE:

1. The Chair of the Sub-Committee will open the meeting and introduce the members of the committee and call upon the parties to identify themselves and their representatives and to identify any witnesses they intend to call.
2. The Chair of the Sub-Committee will call upon the Clerk to the Committee to explain to the parties the procedures which will be followed at the hearing. Unless the Chair directs otherwise, each party will normally have a maximum period of one hour in which to give further information and call any witnesses in support of their case. In every case, all parties will have an equal maximum period.
3. The Chair of the Sub-Committee will then normally call upon the interested party or the responsible authority which has made the application for a review, to provide evidence in support of their application.
4. The holder of the premises licence will then have an opportunity to question that party or responsible authority.
5. Members of the Sub-Committee will then have the opportunity to question that party or responsible authority.
6. Any person who has made relevant representations will then call any witness in support.
7. The holder of the premises licence will then have an opportunity to question that witness.
8. Members of the Sub-Committee will then have the opportunity to question that person.
9. Stages 6 to 8 will then be repeated for each person making relevant representations.
10. The holder of the premises licence will then have the opportunity to give evidence in response to the application and in response to the relevant representations which have been made.

11. The interested party or responsible authority will then have an opportunity to question the holder of the premises licence.
12. Members of the Sub-Committee will then have the opportunity to question the holder of the premises licence.
13. Stages 10 to 12 will be repeated for any witnesses on behalf of the holder of the premises licence.
14. The interested party or responsible authority will have the right to address the sub committee.
15. The holder of the premises licence will have the right to address the Sub-Committee in summing up his case.
16. All parties will then leave the room while the Sub-Committee consider their decision.
17. The Sub-Committee will normally make their determination at the conclusion of the hearing, but when this is not possible, will make its determination as soon as possible and in any event the decision will be communicated in writing to all parties.

APPLICATION FOR THE REVIEW OF A PREMISE LICENCE UNDER SECTION 51 OF THE LICENSING ACT 2003

1. DETAILS OF APPLICATION

PREMISES: London Road Tavern

LOCATION: 73 London Road, Newcastle under Lyme, Staffordshire, ST5 1LL

APPLICANT: PC 4314 Graeme Owen

APPLICATION FOR: Review of the Premise licence on the grounds of the Prevention of Crime and Disorder and the Protection of Children from Harm

2. POLICY CONSIDERATIONS

a). Licensing Objectives

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives;

- (i) The Prevention of Crime and Disorder
- (ii) Public Safety
- (iii) The Prevention of Public Nuisance
- (iv) The Protection of Children from Harm

b). Policy Statement

The Licensing Act 2003 required the Council to publish a "Statement of Licensing Policy" that set out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

The Council made a number of policy decisions in its Statement of Licensing Policy. The following policy decisions are relevant to this application;

- o The Prevention of Children from Harm – (paragraph 4.3)
- o The Prevention of Crime and Disorder – (paragraph 4.4)

c). Statutory Guidance

- (i) National guidance which promotes best practice ensuring consistent application of licensing powers and promotes fairness and equal treatment and proportionality came into force in October 2012.

Copies of the Council's Statement of Licensing Policy and the Government's Statutory Guidance will be available at the Sub-Committee meeting.

3. COMMENTS

In making their decision on the application, the Sub-Committee are obliged to have regard to Statutory Guidance and the Council's own Statement of Licensing Policy. The Sub-Committee must also have regard to all the representations made and the evidence they hear. However the Sub-Committee must disregard any objections that do not relate to the promotion of the four licensing objectives.

The Sub-Committee must take such of the following steps as they consider appropriate for the promotion of the licensing objectives as set out in paragraph 2 (a) above:-

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;
- (e) to revoke the licence.

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because they consider it desirable to do so. It must actually be appropriate in order to promote the licensing objectives

BOROUGH OF NEWCASTLE U LYME DIRECTORATE - RESOURCES - 2 AUG 2013		
PASSED TO	CONFER WITH	CIRC TO

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Pc 4314 Graeme Owen

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description LONDON ROAD TAVERN 73 LONDON ROAD	
Post town NEWCASTLE-UNDER-LYME	Post code (if known) ST5 1LL

Name of premises licence holder or club holding club premises certificate (if known) GEORGE RAI LTD

Number of premises licence or club premises certificate (if known) PLO328

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 4314 GRAEME OWEN NORTHERN LICENSING DEPARTMENT STAFFORDSHIRE POLICE STOKE POLICE STATION BOOTHEN ROAD STOKE ST4 4AH
Telephone number (if any) 01785 232840
E-mail address (optional) graeme.owen@staffordshire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

The Premise has been the subject of a compliance check operation on Friday 28th June 2013, where young persons were sent into the premise to see if they could purchase alcohol. Alcoholic drinks were sold by a member of staff at the premise to a volunteer aged 16 years old.

The resulting criminal enquiry revealed that the person who sold the alcohol had received training to obtain her personal licence about a week before the sale took place and the person who sold the alcohol was interviewed and has been given a £90 fixed penalty notice

The Police believe that in light of this the Premise Licence Holder and Designated Premises Supervisor (DPS) need to do more in relation to the promotion of the licensing objectives in the areas of Prevention of Crime and Disorder and the Protection of Children from Harm, and we believe a Review of the Premises Licence is necessary in the circumstances.

Please provide as much information as possible to support the application
(please read guidance note 2)

Attached to this Review document are a number of sections which contain information upon which the Police will seek to use as part of their evidence in relation to this Review application. The sections are detailed as follows:-

Section 1 contains statements from Police Officers detailing the sale of alcohol to the under age volunteers at the licensed premises

Section 2 contains summarised record of interview with the person who made the sale of alcohol to the under age volunteer

Section 3 contains an example of the date of birth card

On Friday 28th June 2013 police officers carried out a compliance check on venues within Newcastle town centre specifically in relation to sales of alcohol to children under the age of 18.

Two juvenile volunteers assisted the police in relation to these checks and they were aged 15 years and 16 years old.

The volunteers were photographed prior to the operation and were chosen because, in the view of the Police Officers participating in the exercise, they have the typical appearance of a child of their age.

In relation to this venue a 16 year old volunteer walked into the venue with a plain clothes police officer. The volunteer was not challenged by any member of staff and approached the bar area. The volunteer was then sold alcoholic drinks at the bar again without challenge.

The member of staff who made the sale is a Director of the Limited company that runs the business, had taken her personal licence course about a week before the sale took place. No training records were available on the night and a follow up visit to the premise 3 weeks after the compliance check showed that there were no training records available at all and no training had been done since the compliance check.

In light of the facts alluded to above the police would request that the licensing sub committee consider appending the following conditions to the current Premises Licence:-

Staffordshire Police request the committee remove condition 2 of annex 3 listed under the Protection of children from harm and to replace with the following conditions

1. The premises must adopt the challenge 25 scheme to tackle underage sales. All staff must be fully trained in its use before being allowed to sell alcohol and a record is to be kept of staff training in relation to the challenge 25 scheme
2. The Designated Premise Supervisor (DPS) should ensure that all staff training training must be refreshed at least every 2 calendar months.
3. Both initial and subsequent refresher training in relation to the sale of alcohol will contain a written test to be undertaken by the staff member and this record must be signed and dated by both the member of staff and the Designated Premise Supervisor.

4. All records of staff training ,including written tests must be kept fully updated at all times and held at the licensed premises These records must be made available immediately to Police Officers, Police Licensing Officers or Trading Standards Officers upon request.

5. A refusals book must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age. The book must also contain details of the staff member refusing the sale. This book must be checked on a monthly basis by the Designated Premises Supervisor or duty manager and endorsed accordingly by the DPS or duty manager signing the book with the time and date of inspection.

6. Persons purchasing alcoholic drinks who appear to be under the age of 25 must be required to produce proof of age by way of a proof of age card accredited under the Proof of Age Standards Scheme (PASS) or if a proof of age card is not available a genuine photo driving licence or passport.

7. At all entrance points where door supervisors are deployed or at each till an ultra violet light must be installed which allows proper inspection of certain types of identity documents of customers who appear to under 25 years of age . The ultra violet lighting must be fully functional at all times the premise is open for licensable activity.

8. At each till there will be placed a date of birth check card (as shown in appendix 3) which will be kept updated at all times with the current date at which a person must be born before to be aged 18 or over.

We therefore believe that serious consideration needs to be given by the Licensing sub committee with a view to imposing the new and updated conditions on the operating licence.

We also believe that the premise licence holder should be given a clear warning that a further appearance at review could give rise to a presumption of revocation

Should the conditions be attached and implemented fully and the warning given by the sub committee as outlined above the police believe that the licensing objectives relative to prevention of crime and disorder and protection of children from harm are likely to be met.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

02-02-13

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

SECTION 1

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN 21

Statement of: Gareth James Ewart

Age Over 18

Occupation

Special Constable

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: [Handwritten Signature]

Date: 29/6/13

Tick if witness evidence is visually recorded (supply witness details on rear)

I am a Special Constable based with the Northern Licensing Unit of Staffordshire Police.

On Friday the 28th June 2013 I was on Operation Sangria 4 of 2013 this was an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with other plain clothes police officers.

At approximately 19:00hrs on the same day the operation commenced.

At approximately 21:10hrs I entered the London Road Tavern on the A34, Newcastle-under-Lyme, Staffordshire with one juvenile volunteer Shannon.

We walked through the main door and turned left into the bar.

Myself and the volunteer walked up to the bar. The volunteer Shannon asked a female behind the bar, who I now know to be [redacted] for two bottles of Budweiser.

[redacted] turned to the fridge behind her and retrieved two bottles of the requested drink.

Shannon then handed [redacted] a £10 note. [redacted] took the note and put it into the till.

[redacted] handed Shannon the requested drinks and the change from the purchase.

The volunteer exited the premise and I identified myself as a police officer.

I waited in the premise with [redacted] until PC 4314 OWEN entered the premise with the interview pack.

At 21:24hrs I commenced a contemporaneous interview with [redacted] which concluded at 21:40hrs that day I now produce this as evidence exhibit GJE01 ref. ([redacted])

I then exited the premise.

[Handwritten Signature]

Signature: [Handwritten Signature]

Signature Witnessed by: _____

Witness Statement

(CJ Act 1967, s9: MC Act 1980, ss5A(3)(a) and 5B, MC Rules 1981, r70)

Statement of Graeme Robert Owen Title PC

Age if under 18 18 (if over 18 insert 'over 18'). Occupation POLICE OFFICER

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I made it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 3rd July 2013

Signature 

I am a police Constable with Staffordshire Police currently stationed at Stoke police station. I am currently serving as a Divisional Licensing Officer with responsibility for on and off licence premises across the North of Staffordshire.

On Friday 28th June 2013 I had the responsibility for being the exhibits officer for an operation relating to the enforcement of the Licensing act 2003 specifically in relation to under age sales of alcohol to children. Two juvenile volunteers were used in this operation along with plain clothes police officers and an officer from Trading Standards

At approximately 1800 hours on that date all staff met at Stoke Police station and once everyone was present I started to take a series of Photographs of the volunteers. These photographs I now produce as follows:-

- | | |
|------------------------------|-------|
| Facial photo of AMY | GRO 1 |
| Full length of AMY | GRO 2 |
| Close up of AMY | GRO 3 |
| Facial photo of SHANNON | GRO 4 |
| Full length of SHANNON | GRO 5 |
| Close up of SHANNON | GRO 6 |
| Group photo of AMY & SHANNON | GRO 7 |

Once all the photographs were taken I then transferred the untouched images onto a master CD which was sealed which I now produce as evidence exhibit () marked GRO 8. I also produced a working copy of the CD which was subsequently used to immediately print off images GRO1 and GRO4 for use during the operation.

At about 1935 we gave a briefing to the Staff and volunteers at Stoke Police Station which I video recorded and I then sealed. I now produce this tape as evidence exhibit () ref GRO 9

At about 2040 hrs on that same date the operation commenced

Signature 

Signature witnessed by

Continuation of Statement/Interview of Graeme Robert Owen

At about 2112 hrs that day I asked SHANNON to enter the LONDON ROAD TAVERN situated on London Road Newcastle and purchase alcohol. I confirmed that she still had the same appearance as the photograph taken earlier. SHANNON entered the premise followed by Special Constable Ewart who was dressed in plain clothes.

After a few minutes the volunteer SHANNON returned and I entered the premise and walked up to the bar area where SC Ewart was standing talking to the bar person who I now know to be XXXX XXXX. Sc Ewart indicated that the XXXX XXXX had sold alcohol to the volunteer SHANNON and gave me 2 bottles of Budwesier Lager that were on the bar area next to him. I seized both bottles which I now produce as evidence ref GRO 12 & GRO 13

I initially took the bottles to the police vehicle and then resealed them and returned to SC Ewart who was standing next to XXXX XXXX. I explained to her what had occurred and I asked if there was some where more private that we could go in order that I could discuss the matter with her away from any other members of the public or customers in order to afford her as much privacy as possible.

XXXX XXXX took us to the kitchen area of the premise and out of sight of any customers or other staff. I then resumed from the premise and left Sc Ewart to conduct the contemporaneous interview

During the course of the operation a total of 13 premise were visited and 4 premise sold to the volunteers however 9 refused to sell to the volunteers

Upon returning to Stoke Police Station I took possession of all exhibits and booked all these items into the secure property store ref 686335

Signature 

Signature witnessed by _____

SECTION 2

RECORD OF INTERVIEW

Contemporaneous Notes SELLER ON LICENCE

Person interviewed:

Place of interview: London Road Tavern.

Home Address:

Telephone number: Record Overleaf


Date of interview: 28/6/03

Time commenced: 21:24 hrs

Time concluded: 21:40

Interviewing Officer(s): SC 16924 EWART

Other persons present: PC OWEN

Police Exhibit No: G3E 01
 Number of pages: 10

 Signature of interviewing officer producing Exhibit

Tape Counter Time	Person Speaking	Text
0000		CAUTION (All cases).
	Q	I wish to ask you some questions, but before I do I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence
	R	Yes.
		Interviewee to sign:
		*NON-POLICE PREMISES ONLY (Delete Section & initial if not appropriate).
	Q	I must also tell you that you are not under arrest and you are free to terminate this interview at any time. In addition, you are entitled to obtain independent legal advice either now or at any time during the interview. Do you understand?
	R	Yes.
		Interviewee to sign: ..
	Q	Do you wish to exercise any of these rights?

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

--	--	--	--

Continuation Sheet No ...2....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	no
		Interviewee to sign:
		* POLICE PREMISES ONLY (Delete & initial if not appropriate). GC
	Q	I must tell you also that you are not under arrest and not obliged to remain at the police station. You are entitled to obtain free and independent legal advice either now or at any time during the interview. The interview can be delayed for you to obtain legal advice if you wish. Do you wish to exercise any of these rights?
	R	
		Interviewee to sign:
	Q	You may, if you wish, speak to a solicitor on the telephone. Do you wish to do this?
	R	No
		Interviewee to sign:
	Q	What are your reasons for not wanting legal advice?
	R	I don't know
		Interviewee to sign: ...
	Q	Are you an employee and what is your role?
	R	I am the director of the limited company that owns the business
	Q	If not, what is your position within the Company?
		not asked.

Signature(s):
(Contemporaneous notes of)

◆ Not relevant for contemporaneous notes

--	--	--	--

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	
	Q	How many hours a week do you work?
	R	16
	Q	How long have you worked here?
	R	under this business 5 months and then about 2 and a half when it was under another name.
	Q	Have you worked selling alcohol before?
	R	Yes.
	Q	^{GE} Police officers and Trading Standards Officers entered this premises with young persons who are16.....years of age. They purchased <u>two bottles of Budwiser</u> You have been identified as being the seller from these premises. I am now showing you Exhibit Number <u>GRO 12 & GRO 13</u> . Do you recall selling this item?
	R	Yes
	Q	Can you please tell me what the product is?
	R	Budwiser.
	Q	Looking at this item I believe it to be an alcoholic drink. Do you agree?

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

--	--	--	--

Continuation Sheet No ...A....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Yes.
	Q	Do you remember the person who purchased this item.
	R	Yes.
	Q	I am now showing you a photograph of the person who purchased the product (Exhibit <u>GRO 6</u>). Can you confirm it is the same person you thought purchased it?
	R	Yes
	Q	At the time you sold the item to that person, how old did you think they were?
	R	18.
	Q	Did you consider asking for any proof of age identification from this person?
	R	No I was preoccupied if I am being honest.
	Q	The police officers and the Trading Standards Officers ^{GO} who accompanied the volunteer purchaser witnessed the fact that you did not ask the person their age or ask for identification. Why was this?
	R	I was preoccupied with another conversation.
	Q	What sort of premises is this and what does it sell?
	R	Public house that sells alcohol and food.

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

--	--	--	--

Continuation Sheet No ...2....

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	What is the age that a person can legally purchase alcohol in licensed premises?
	R	18.
	Q	Are you aware that it is an offence to sell intoxicating liquor to a person under the age of eighteen?
	R	Yes.
	Q	What training have you had in respect of selling alcohol and the age limits at which persons can buy it?
	R	Personal licence training.
	Q	When did you last receive any training in underage sales?
	R	A week ago.
	Q	Who provided the last training you had?
	R	It was a training group. I can't remember the name.
	Q	How was your training delivered, was it in person or were you given a book to read yourself?
	R	In person

Signature(s):
(Contemporaneous notes or

◆ Not relevant for contemporaneous notes

--	--	--	--

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	Q	Was it explained to you how to deal with underage sales, what to look for and what to ask for?
	R	Yes.
	Q	If you have undertaken training, was it a "Challenge 21"/ "Knock Back" or a Company Scheme?
	R	we covered all the challenge 21 and 25
	Q	What age was it suggested that someone should be to buy alcohol without having to show ID.
	R	It wasn't suggested any age.
	Q	If they are supposed to be 21 years old the volunteers don't look that old and you state that they appeared to be years old, why did you not consider asking for ID in line with your training?
	R	not asked.
	Q	Do you have any documentary proof of the training you have received?
	R	Not on the premise no.
	Q	Produce records of training to interviewee and ask...

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

--	--	--	--

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Did you receive the training that is shown here? <i>not asked</i>
	Q	Are the signatures on these training records your signatures?
	R	<i>not asked</i>
	Q	Do you agree that by signing these documents you are accepting that you have received the training that the document relates to?
	R	<i>not asked.</i>
	Q	Are you aware of any signs regarding age restrictions for alcohol sales being displayed in the premises?
	R	<i>Yes.</i>
	Q	Do you have a refusals register?
	R	<i>No we don't</i>
	Q	When was the last time you made an entry in this register?
	R	<i>Not asked.</i>
	Q	Who is the Designated Premises Supervisor of the premises?

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

--	--	--	--

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	Denise Cvita Steel.
	Q	How often do you see the Designated Premises Supervisor at the premises?
	R	She lives here so she is here every day.
	Q	Where was the Designated Premises Supervisor at the time of the sale?
	R	up stairs.
	Q	The drink that was purchased by the underage person, how much does that cost?
	R	£2.80 each.
	Q	At the time the volunteers were in the premises how many other customers were in the premises?
	R	6
	Q	How many members of staff were working at the time?
	R	2
ANY FURTHER QUESTIONS SHOULD BE RECORDED HERE. IF THERE ARE NO FURTHER QUESTIONS THEN STRIKE OUT THE BLANK SPACE AND GO TO LAST COMMENT.		

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

--	--	--	--

Person interviewed.....

Tape Counter Time	Person Speaking	Text
		<i>G.E.</i>
	Q	Is there anything you wish to add or clarify?
	R	<i>No</i>
		DO NOT REPORT FOR SUMMONS IF ALL ENQUIRIES NOT COMPLETE!!
	Q	You will be reported for the offence of selling alcohol to a person under the age of

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

--	--	--	--

Continuation Sheet No ...10...

Person interviewed.....

Tape Counter Time	Person Speaking	Text
	R	<p>eighteen and any other offences disclosed. You do not have to say anything, but it may harm your defence if you do not mention when questioned, something which you later rely on in court. Anything you do say may be given in evidence. Do you understand?</p> <p><i>Yes.</i></p> <p>I have read this interview and confirm that it is a true and accurate account of the interview.</p> <p>Signature of interviewee:</p>

Signature(s):
(Contemporaneous notes only)

◆ Not relevant for contemporaneous notes

SECTION 3

A PERSON MUST BE
BORN BEFORE THIS
DATE TO BE AGED
OVER 18 YEARS OLD

-- / -- / --